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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,998	04/27/2001	Joseph A. Zierolf	200017 USA	1645

7590 03/24/2005
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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,998	Applicant(s) ZIEROLF, JOSEPH A.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47 and 50-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47, 50-55 and 70-72 is/are allowed.
- 6) ☒ Claim(s) 56-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 1/4/2005.
2. Claims 2-11, 14-16, 18-19, 21-27, 30-36, 38-47, and 50-72 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 56-59, 62-65, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittar (U.S. 6,476,609) in view of Bates (U.S. 6,085,805).

Re claims 56-57, 62-63, 68-69: Bittar discloses electromagnetic wave resistivity tool having a titled antenna, which includes an antenna 16, 18, 20 extending around the entire periphery of an asset 10 (col.7, lines 1+) to permit communication between a transmitting device 30 and a responding device without regard of orientation of the asset (col.15, lines 36+).

Bittar fails to teach means of passing or positioning a transceiver in the proximity of the asset.

Bates teaches communication system and method, which includes an annular transceiver 38 coupled to an antenna 44 (as shown in fig. # 3).

In view of Bates' teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bittar means of

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positioning an annular transceiver so as to track the position of the asset. Furthermore, such modification would provide positioning of the pipe into well, and tracking of each antenna {as the pipe comprises a plurality of antennas for detecting the fluid level in the well} as the pipe is moving passing through the transceiver. Moreover such modification would have been an obvious extension as taught by Bittar.

Re claims 58-59, 64-65: Bittar as modified by Bates fails to teach that the antenna extends about substantially the entire inner circumference of the asset.

However, since Bittar teaches means of positioning an antenna extending about substantially the entire outer circumference of the asset, therefore it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Bittar means of positioning an antenna extending about substantially the entire outer circumference of the asset so as to permit communication between the antenna and the transceiver, wherein the transceiver is passing inside the asset. Furthermore, such modification would permit to measure the fluid level from inside the pipe onto the well.

5. Claim 60-61, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittar (U.S. 6,476,609) as modified by Bates (U.S. 6,085,805) and further in view of Brisco (U.S. 6,597,175).

The teachings of Bittar as modified by Bates have been discussed above.

Bittar as modified by Bates fails to a passive radio frequency identification responding device.

Brisco discloses electromagnetic detector apparatus and method for oil or gas well, which includes an asset [herein described as the drilling rig 10] having a responding device {RFID tag

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36; as shown in figs. # 1-3} and an antenna 41 electrically connected to the tag (col.3, lines 53+; col.4, lines 1-67).

In view of Brisco's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a passive radio frequency identification responding device into the teachings of Bittar as modified by Bates so as to provide electromagnetic transmission. Furthermore, it is known in the art that RFID tag/transponder is remotely read through electromagnetic energy, herein the benefit of using a passive radio frequency tag do not need internal power to function and therefore more reliable. Moreover, such modification would have been an obvious extension as taught by Bittar as modified by Bates.

Allowable Subject Matter

6. Claims 70-72, 2-11, 14-16, 18-19, 21-27, 30-36, 38-47, 50-55 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record teaches a well perforator system and method, comprising of a responding device, which is a radio frequency identification device with passive communicating by means of electromagnetic energy, an antenna that extends substantially around the outer periphery, a groove or conduit on the outer surface in the form of an annular or a ling-shaped, and extended around the outer periphery, and that the assembly has a sealant positioned on each side of the housing and secures the antenna, also a second antenna but fails to teach a second antenna electrically connected with a responding device along the inner periphery of the tubular. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

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Response to Arguments

8. Applicant's arguments with respect to claims 56-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
March 21, 2005



THIEN M. LE
PRIMARY EXAMINER